IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1501 OF 2002

Satish Damodar Lotke ... Petitioners

Vs.

Shivaji University and Ors. ... Respondents

Mr. S.A. Dange i/by L.T. Satelkar for Petitioner.

Mr. R.G. Ketkar for R. Nos. 1 and 2.
Mr. A.P. Vanarse, A.G.P. for R. No. 3.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : APRIL 15, 2005

P.C.

. Rule. By consent heard forthwith.

. The Petitioner was appointed as Lecturer in Physics against the post reserved for S.C. Pursuant; to the advertisement one Mr. K.R. Jagdev, candidate belonging to S.C. has been selected. Once that be the case, the Petitioner can no longer claim for appointment against the post reserved for S.C.

. The learned counsel for the University however, points out that there are two other vacant posts in physics which are reserved for O.B.C. The Petitioner belongs to O.B.C. and he will therefore, be eligible for consideration when the post of O.B.C. will be advertised and it is being

done shortly. Considering the above, the petitioner can be disposed of by issuing following directions :

(1) On 28.6.2002 an order was passed by this court that the services of the Petitioner would not be terminated. Considering what is set out, we make it clear that it will be open to the College and University to appoint Mr. K.R. Jagdev against the post reserved for S.C. As the post for O.B.C. is being advertised, the Petitioner's services should be continued till the selection committee selects candidates for the post reserved for O.B.C. and untill such time the selected candidates are appointed, and if the Petitioner is selected can be continued in the post. If Petitioner is not selected, petitioner's appointment will cease to operate. Needless to say that it is open for the Petitioner if aggrieved by the selection process to challenge the same by appropriate proceedings. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)